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### **REMARKS**

In the present Office Action, claims 1, 4-11, 13, 15-23, 25, 27-39 and 41-44 were examined. Claims 1, 4-11, 13, 15-23, 25, 27-39 and 41-44 are rejected. No claims are objected to or allowed.

By this Amendment, claims 1, 17, 30 and 37 have been amended and claims 7, 20, 32 and 44 have been canceled. No claims have been added. Accordingly, claims 1, 4-6, 8-11, 13, 15-19, 21-23, 25, 27-31, 33-39 and 41-43 are presented for further examination. No new matter has been added. By this Amendment, claims 1, 4-6, 8-11, 13, 15-19, 21-23, 25, 27-31, 33-39 and 41-43 are believed to be in condition for allowance.

### **Explanation of Above Amendments**

The invention is directed to a traffic noise barrier system having both a longitudinal barrier and a noise barrier wall. The longitudinal barrier abuts the flow of traffic. Transverse beams extend from a back (away from traffic) side of the longitudinal barrier and support the noise barrier wall. As embodied in the amended claims, the noise barrier wall is transparent enabling travelers to see through the wall (Applicants' Specification at page 5, lines 25-26). The noise barrier wall is supported by load bearing beams (Applicants' Specification at page 6, lines 5-6). These beams run transverse between the longitudinal barrier and the noise barrier wall (Applicants' Specification at page 6, lines 4-5 and Drawing Figure 2, as well as others of the drawing figures). As discussed hereinbelow, such a traffic noise barrier system is neither taught nor suggested by any of the references of record in this patent application, either alone or in combination.

Applicants' invention, as embodied in claim 1 was rejected under 35 U.S.C. 102(b) as anticipated by Rerup et al (US 5,406,039). The present amendment to claim 1 incorporates a limitation of claim 7 into claim 1. Claim 7 was rejected under 35 U.S.C. 103(a) as unpatentable over Rerup et al. in view of Pickett (US 4,214,411).

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Rerup et al. disclose an acoustical barrier wall system having a concrete safety barrier portion 26 and an acoustical wall portion 28. This concrete safety barrier portion corresponds to Applicants' longitudinal barrier. The reference acoustical wall portion and the interconnection between the acoustical wall portion and the concrete safety barrier do not teach nor suggest Applicants' transparent panels nor Applicants' load-bearing transverse beams. Rerup et al. disclose the acoustical wall to be formed from concrete (Rerup et al. at column 6, lines 43), an opaque material that is quite heavy. The Examiner acknowledges at page 4, paragraph [3] of the September 14, 2005 Office Action that Rerup et al. do not disclose the use of transparent panels and combines Pickett with Rerup et al. to disclose the use of transparent panels in an acoustic barrier.

While the combination of Rerup et al. and Pickett may disclose an acoustic barrier with transparent panels, the combination does not teach nor suggest the load-bearing transverse beams claimed by Applicants. In Rerup et al., the acoustic wall is made from concrete that is supported by the roadway (Rerup et al. at column 5, line 67). While Rerup et al. Figures 6 and 7 illustrate longitudinal spacer 56, the reference spacer is neither transverse to both the longitudinal barrier and the acoustic wall nor disclosed as load bearing, both elements of Applicants' claims as amended. The thin-wall hollow construction of the Rerup et al. spacer 56 teaches away from a load-bearing member.

Pickett discloses the transparent panels as mounted on top of a concrete roadside barrier and does not teach nor suggest transverse load-bearing beams supporting the transparent panels.

Neither Rerup et al. nor Pickett suggest a combination of a longitudinal traffic barrier and a transparent noise barrier panel interconnected by load-bearing transverse beams. Further, the combination of references does not teach nor suggest such a combination. Applicants' claim 1 and the claims dependent therefrom should be allowed over the combination of references.

Independent claims 17, 30 and 37 have been amended in similar fashion to claim 1 and these independent claims, as well as the claims dependent therefrom, should likewise be in condition for allowance.

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Regarding claims 4, 18, 31 and 42, these claims add a further feature that a structure is disposed across the transverse beams to catch falling debris. As noted above, the combination of Rerup et al. and Pickett do not teach or suggest transverse beams disposed between a longitudinal barrier and a traffic noise barrier, as such, there is nothing in this combination of references to teach or suggest a structure disposed across transverse beams to catch falling debris. As noted in Applicants' Specification debris control is desired for traffic barrier systems (Applicants' Specification at page 2, lines 22-25) and the Pickett structure does not provide for debris control (Applicants' Specification at page 1, lines 25-27).

Regarding claims 11, 13, 23, 25, 30, 31 and 33, the Examiner cites Table 2 of Keller et al. as disclosing Jersey barriers with a width of at least 32 inches such that the noise barrier wall would be spaced at least 34 inches from the front surface of the longitudinal barrier. Applicants note that the 32 inch (813 mm) Jersey barrier refers to the height of the barrier, not the width as indicated by the heading to column 3 of Table 2. As shown in Figure A-1 at page 55 of Keller et al., 32 inch high barriers with a sloped face have widths of between 14.75 inches and 20.25 inches and do not inherently disclose the 34 inch spacing claimed by Applicants.

Accordingly, Applicants submit that none of the references, alone or in combination, anticipate or make obvious the invention as presently claimed and that the application is now in condition for allowance. Therefore, Applicants respectfully request reconsideration and further examination of the application and the Examiner is respectfully requested to take such proper actions so that a patent will issue herefrom as soon as possible.

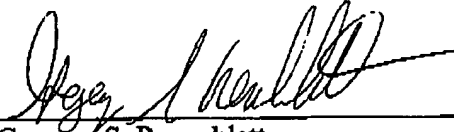
If the Examiner has any questions or believes that a discussion with Applicants' attorney would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number below.

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Respectfully submitted,  
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Date: January 10, 2006

  
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